

<b>Campaign</b>	
<p><b>David Bauer</b>  <b>Sam Aanestad for Senate</b>  <b>Dated: March 3, 2003</b>  <b>File Number A-02-333</b></p>	<p>A candidate for state elective office need not report the transfer of a web site from one committee for state office to a future committee of the same candidate for state elective office. The letter supersedes contradictory advice of <i>Chandler</i> Advice Letter, No. A-92-548, and <i>Hansen</i> Advice Letter, No. A-92-627.</p>
<p><b>James R. Sutton</b>  <b>Friends of Mark Wyland</b>  <b>Dated: March 3, 2003</b>  <b>File Number A-03-008</b></p>	<p>Section 85321 of the Act permits an Assembly member to raise funds in amounts not subject to the limits of sections 85301 and 85302 for the sole purpose of repaying debt from the November 2000 election. For audit and enforcement purposes, the debt from the pre-Proposition 34 election must be segregated in a committee that will not conduct any fundraising for a future election, but will only raise funds for debt retirement.</p>
<p><b>Gladys O. Miller</b>  <b>State Assembly</b>  <b>Dated: March 26, 2003</b>  <b>File Number A-03-017</b></p>	<p>The candidate was advised that due to the circumstances of her particular situation, she will be allowed to use surplus funds consisting of a refund from the county, to pay herself back the money she had given her committee to pay her candidate's filing fee, a payment which was mistakenly characterized as a "contribution."</p>
<p><b>Alan Seman</b>  <b>City of Rancho Mirage</b>  <b>Dated: March 13, 2003</b>  <b>File Number A-03-041</b></p>	<p>A local incumbent candidate asked whether he may contribute funds from his candidate controlled committee established for his current term of office to other city council candidates. The Act does not prohibit the expenditure so long as it is reasonably related to a political, legislative or governmental purpose.</p>
<b>Conflicts of Interest</b>	
<p><b>Refugio Espinoza</b>  <b>California Franchise Tax Bd.</b>  <b>Dated: March 13, 2003</b>  <b>File Number A-02-312</b></p>	<p>The Act's conflict-of-interest provisions do not prohibit acquisition of an interest in a CPA partnership, although that economic interest could give rise to a conflict of interest in any governmental decisions with a reasonably foreseeable material financial effect on the economic interest.</p>
<p><b>Adam U. Lindgren</b>  <b>City of Fort Bragg</b>  <b>Dated: March 5, 2003</b>  <b>File Number A-02-323</b></p>	<p>The mayor's employer is indirectly involved in a general plan decision. The mayor may not participate in a decision if the decision will result in a material financial effect on one or more of his economic interests.</p>
<p><b>Nicole A. Tutt</b>  <b>Pajaro Valley Water Management Agency</b>  <b>Dated: March 4, 2003</b>  <b>File Number A-02-341</b></p>	<p>A water district director was advised that he is disqualified from the water district's decisions regarding the district's pending collection suit against an individual who, through his business, is a source of income to the director. The advice follows the guidance in <i>In re Nord</i> (1983) 8 FPPC Ops. 6 and the <i>Hentschke</i> Advice Letter No. A-80-069.</p>

<p><b>John B. Fisher</b>  <b>City of Dunsmuir</b>  <b>Dated: March 21, 2003</b>  <b>File Number I-03-001</b></p> <p><b>H. Peter Klein</b>  <b>Mendocino County Board of Supervisors</b>  <b>Dated: March 11, 2003</b>  <b>File Number A -03-006</b></p>	<p>A newly elected city council member seeks advice as to whether his business, which sells goods to the city, causes him to have a conflict of interest. The “public generally” exception at regulation 18707.1(b)(1)(D) may apply when a governmental entity is an economic interest (e.g., source of income) to a public official. The analysis also discusses the special “public generally” exception that may apply when an official has an economic interest in a business entity located in a small jurisdiction.</p> <p>A county supervisor’s personal residence, sources of income and business would potentially be affected by a vote on various aspects of a general plan for the unincorporated county. Based on the analysis of the facts presented, the supervisor was advised that he did not have a disqualifying conflict of interest with respect to his personal residence unless it was reasonably foreseeable that improvements of the access road in front of his home would have a material financial effect on the value of his property. With respect to the sources of income, the supervisor was advised that the source of income in excess of \$500 that had initiated a proceeding before the board was a disqualifying conflict of interest. With respect to his business, the supervisor had determined that the applicable materiality standard would not be met, so there was no disqualifying conflict of interest.</p>
<p><b>Dana Hield Whitson</b>  <b>City of Sausalito</b>  <b>Dated: March 28, 2003</b>  <b>File Number A -03-007</b></p> <p><b>Beth Sazama Lyons</b>  <b>California Joint Powers Insurance Authority</b>  <b>Dated: March 19, 2003</b>  <b>File Number A -03-012</b></p>	<p>A city council member is advised that based on the proximity of his principal residence and/or the shared boundary between common areas of his condominium complex and a city-owned parcel, he is presumed to have a conflict of interest disqualifying him from voting upon decisions concerning the use of the parcel. However, in the event that such use is restricted in its effect to a discrete segment of the parcel and that segment is 500 feet or greater from the shared boundary of the parcel, it is presumed that the council member will not have a conflict of interest disqualifying him from voting upon decisions affecting the use of that segment of the parcel.</p> <p>An assistant executive director of the California Joint Powers Insurance Authority will not have a conflict of interest if her spouse bids on or secures a contract with the authority so long as she does not make, participate in making, or influence any governmental decision that will have a foreseeable and material financial effect on any of her economic interests. The official was advised to consult her agency regarding statement of economic interests reporting requirements.</p>

**Steven L. Andriese**  
**Mountain-Valley Emergency**  
**Medical Services Agency**  
**Dated: March 20, 2003**  
**File Number A -03-016**

A change in facts generates a follow-up letter to *Andriese* Advice Ltr. No. A-02-276. In the follow-up letter, the requestor was advised that until a record has been established that the new structure provides a substantive, intervening level of review, it will continue to be considered decision-making. Thus, the members of the committee will be public officials until that time.

**Celia A. Brewer**  
**City of Solana Beach**  
**Dated: March 12, 2003**  
**File Number A -03-019**

A city council member was advised that since his residence was located more than 500 feet from the boundaries of an erosion control project, his interest in real property did not give rise to a conflict of interest disqualifying him from voting on the project. Under the facts provided, a city council decision on the erosion control project would implement an existing ordinance and would be discrete from the city's separate consideration of a new local coastal plan, which plan includes an area of the city located within 500 feet of the council member's residence.

**Richard P. Shanahan**  
**Sacramento Suburban**  
**Water District**  
**Dated: March 3, 2003**  
**File Number A -03-020**

If decisions will affect a director's personal finances by \$250 or more in any 12-month period, that director will have a conflict of interest in the decision and absent an exception, may not make, participate in making, or influence the decisions. Regulation 18705.5(b) provides an exception where the financial effects of a decision are only on "the salary, per diem, or reimbursement for expenses the public official or a member of his or her immediate family receives from a federal, state, or local government agency...." However, this exception does not apply where the decision is to "hire, fire, promote, demote, suspend without pay or otherwise take disciplinary action with financial sanction against the official or a member of his or her immediate family or to set a salary for the official or a member of his or her immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position."

**Clothilde V. Hewlett**  
**Department of General**  
**Services**  
**Dated: March 21, 2003**  
**File Number I-03-024**

Specific advice regarding the definition of a "consultant" and what constitutes a disqualifying conflict of interest for those consultants is provided in this follow-up letter to *Hewlett* Advice Letter, No. I-02-234. In this case, the consultants will continue to have a conflict of interest in decisions that will have a reasonably foreseeable material financial effect on their former employer until the income from the past 12 months falls below the \$500 threshold.

**Clark H. Alsop**  
**City of Fontana**  
**Dated: March 5, 2003**  
**File Number A -03-032**

Certain gifts received in a bona fide dating relationship are not reportable by a city council member and will not create a conflict of interest. These gifts also are not subject to the Act's gift limits.

<p><b>Shana Levine</b>  <b>Dixon Unified School District</b>  <b>Dated: March 26, 2003</b>  <b>File Number I-03-036</b></p> <p><b>Bradley W. Sullivan</b>  <b>City of Sutter Creek</b>  <b>Dated: March 11, 2003</b>  <b>File Number A -03-038</b></p> <p><b>Roger Rodoni</b>  <b>Humboldt County Board of Supervisors</b>  <b>Dated: March 10, 2003</b>  <b>File Number A -03-043</b></p>	<p>General guidance is provided to a school board member regarding possible conflicts of interest with a geotechnical engineering firm of which her husband owns 3%. There was no specific governmental decision analyzed.</p> <p>A council member does not have a real property interest in his month-to-month tenancy.</p> <p>A member of the Humboldt County Board of Supervisors seeks clarification as to whether he can vote on a decision to allocate additional funds by the district attorney's office in order to hire outside counsel for a lawsuit against Pacific Lumber. The member leases property from Pacific Lumber. Based on the facts provided, the official will not have a conflict of interest unless the decision will have a material financial effect on his lease.</p>
<b>Conflict of Interest Code</b>	
<p><b>Chisorom U. Okwuosa</b>  <b>California Department of Aging</b>  <b>Dated: March 12, 2003</b>  <b>File Number A -03-034</b></p>	<p>A state commission should be removed from a state agency's conflict of interest code. A separate code should be adopted for the commission.</p>
<b>Gift Limits</b>	
<p><b>Norbert J. Bartosik</b>  <b>California Exposition &amp; State Fair</b>  <b>Dated: March 12, 2003</b>  <b>File Number I-03-011</b></p>	<p>This board was advised that any tickets or passes provided to them by their own agency, other than those tickets provided for their own attendance, would be gifts subject to the Act's disclosure and disqualification provisions.</p>
<b>Revolving Door</b>	
<p><b>Bruce A. Kaspari</b>  <b>Department of Justice</b>  <b>Dated: March 25, 2003</b>  <b>File Number I-03-013</b></p>	<p>A retired state administrative official is provided with general information concerning the applicability of the one-year and permanent bans under the Act's post-employment restrictions. A former supervisory employee sought advice whether he could accept employment with a company that would provide consulting services to agencies other than the employee's former state administrative agency employer.</p>
<b>SEI</b>	
<p><b>Ellen Corey Born</b>  <b>Port of San Diego</b>  <b>Dated: March 28, 2003</b>  <b>File Number A -03-025</b></p>	<p>A port commissioner need not disclose on his statement of economic interests individual sales of "calls" he makes during the year. Rather, the investments themselves and income from the transactions, such as shares in an institution, are reported on the schedules of Form 700.</p>